Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE 62ND REGULAR SESSION OF THE 11TH SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 25 SEPTEMBER 2023, 1:00 P.M. AT THE SANGGUNIANG BAYAN SESSION HALL.

Present:

Municipal Vice Mayor Jerwin S. Dimapilis	- Presiding Officer
Councilor Robert S. Quiatchon	- Member
Councilor John John S. Yason	- Member
Councilor Lucille T. Bacay	- Member
Councilor Juan Rafael M. Talens	- Member
Councilor King Philip B. Dimapilis	- Member
Councilor Robert A. Baticos	- Member
Councilor Veil Charlleo B. Cusi	- Member
Councilor Marietta R. Pajila	- Member
Councilor Elmer P. Salibio	- President, Liga ng Barangay
Councilor Elmira May V. Tarac	- Member, MSKF President

Absent:

None

MUNICIPAL ORDINANCE NO. 21
Series of 2023

AN ORDINANCE PROVIDING GENDER-BASED PROTECTIVE MEASURES AGAINST SEXUAL HARASSMENT IN THE STREETS AND PUBLIC PLACES IN THE MUNICIPALITY OF ROXAS, ORIENTAL MINDORO AND PRESCRIBING PENALTIES IN VIOLATION THEREOF PURSUANT TO REPUBLIC ACT NO. 11313

Author: Hon. Marietta R. Pajila, PhD

Co-Authors: Hon. John-John S. Yason
Hon. Lucille T. Bacay
Hon. Robert S. Quiatchon
Hon. Robert A. Baticos
Hon. Elmer P. Salibio

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WHEREAS, Republic Act No. 11313, otherwise known as "Safe Spaces Act," was promulgated last April 17, 2018;

WHEREAS, Section 2 of the said law provides that the State values the dignity of every human person, guarantees full respect for human life, recognizes the role of women in nation-building and ensures the fundamental equality before the law of women and men;

WHEREAS, Section 2 of the said law further provides that the State also recognizes that both men and women must have equality, security and safety not only in private but also on the streets, public spaces, online, workplaces and educational and training institutions;

WHEREAS, Section 8 of the said law provides that the Local Government Units (LGUs) shall bear the primary responsibility in enforcing the provisions of Article I (Gender-Based Streets and Public Spaces Sexual Harassment) of the same law through an ordinance;

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WHEREAS, in accordance with the "Safe Space Act" or Republic Act No. 11313, recognizes the importance of fostering an environment free from sexual harassment in public spaces. It addresses the need to protect and promote the rights of individuals to move around their communities without fear of harassment, intimidation, or abuse;

WHEREAS, the Local Government Unit of Roxas, Oriental Mindoro is committed to provide a safe environment for all residents, regardless of their gender identity or expression. Believing that by working together, streets and public places will be free from harassment and intimidation, allowing everyone to move freely and confidently.

Be it Ordained by the Sangguniang Bayan of Roxas, Oriental Mindoro, that:

SECTION 1. TITLE. - This Ordinance shall be known and cited as the "The Safe Spaces Ordinance of the Municipality of Roxas."

SECTION 2. DEFINITION OF TERMS. - As defined by R.A. 11313:

a. Catcalling – refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;

b. Cursing – using profanely insolent language against a person;

c. Employee – refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: Provided, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;

d. Employer - refers to a person who exercises control over an employee: Provided, That for the purposes of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;

e. Gender - refers to the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviors and roles associated with being a woman, man, girl or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time;

f. Gender identity and/or expression - refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender;

g. Groping - feel or fondle someone for sexual pleasure;

h. Leering - refers to cast a sidelong glance;

i. Misogynistic – feeling, showing, or characterized by hatred of or prejudice against women;

j. Public spaces - refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theatres and spas;

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k. Stalking – to pursue obsessively and to the point of harassment;

l. Slur - an insulting or disparaging remark or innuendo;

m. Taunting - to reproach or challenge in a mocking or insulting manner;

n. Wolf-whistling - refers a distinctive 2-toned whistle sounded to express approval of another person's appearance

SECTION 3. PROHIBITED ACTS. - As defined by R.A. 11313, the following are considered prohibited acts:

1. Gender-Based Streets and Public Spaces Sexual Harassment. - The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks. It includes the following:

a) Catcalling;
b) Wolf-whistling;
c) Leering and intrusive gazing;
d) Taunting;
e) Cursing;
f) Unwanted invitations;
g) Misogynistic, transphobic, homophobic and sexist slurs;
h) Persistent uninvited comments or gestures on a person's appearance;
i) Relentless request for personal details such as name, contact and social media details or destination;
j) Statement of sexual comments or gestures and suggestions;
k) Use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression;
l) Persistent telling of sexual jokes, use of sexual names, comments and demands;
m) Any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety;
n) Public masturbation;
o) Flashing of private parts; and
p) Groping.

These acts are committed in public spaces such as alleys, roads, sidewalks, and parks or those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

2. Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public. - These crimes are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks. This also includes all acts mentioned under Section 3 (1), as enumerated.

These acts are committed in restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public.

3. Gender-Based Sexual Harassment in Public Utility Vehicles (PUVs). These crimes are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks. This also includes all acts mentioned under Section 3 (1), as enumerated.

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These acts are committed in any public utility vehicle such as but not limited to jeepneys, buses, taxis, tricycles, motorcycles, private cars or vehicles utilized or enrolled as Transport Network Vehicle Service (TNVS) and any other vehicle considered for public use.

4. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors. - These crimes are committed by any person below eighteen (18) years of age through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks. This also includes all acts mentioned under Section 3 (1), as enumerated.

These acts are committed in public spaces as enumerated under the last paragraph of Section 3.

SECTION 4. PENALTIES. - The penalties provided for in Section 11, Article 1 of Republic Act No. 11313, shall be imposed on any violators and shall be dealt with directly by the competent court which has jurisdiction over the offense:

a. For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety –

b. For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions —

c. For acts such as stalking, and any of the acts mentioned in Section II paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section II paragraphs (a) and (b) —

Penalties:

1. The first offense shall be punished by a fine of One thousand pesos (P1,000.00) and community service of four (4) hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the GAD;
2. The second offense shall be punished a fine of One thousand five hundred pesos (P1,500.00);
3. The third offense shall be punished by a fine of Two thousand five hundred pesos (P2,500.00).

In addition, the following penalties shall also be imposed:

For gender-based sexual harassment in PUVs:

a. In addition to the penalties provided in the law, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment.

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b. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of the employees and rendering the owner or operator solidarity liable for the offenses of the employee.

2. For gender-based sexual harassment in streets and public spaces committed by minors: In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006."

3. For violators under section 6 of this Ordinance:

   a. Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of One thousand five hundred pesos (P 1,500.00).

   b. Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of Two thousand five hundred pesos (P2,500.00). (include in section 4).

SECTION 5. DUTY OF THE PUBLIC INFORMATION OFFICE (PIO). - The Public Information Office shall disseminate or post in conspicuous places within the municipality a copy of the law and this Ordinance. In addition, the PIO shall coordinate with all the barangay captains of this municipality in order to see to it that the law and the copy of this Ordinance shall be posted in conspicuous places within their respective Barangays.

Furthermore, the PIO shall also be tasked to conduct mandatory sensitization seminars for stakeholders including but not limited to the following:

a. School heads or their representatives;
b. Association of hotels and restaurants;
c. PUV operators and drivers; and
d. Barangay officials.

Intensive social media campaigns and mobilization shall also be undertaken to promote awareness about the Ordinance and the policy it seeks to uphold which is to value the dignity of every human person and guarantee full respect for human rights.

SECTION 6. DUTIES AND LIABILITIES OF THE SCHOOL PRINCIPAL AND HEAD OF INSTITUTIONS. - All public and private schools, institutions, and universities within the Municipality of Roxas shall provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars.

Liability shall attach to school principal and head of institutions under the following circumstances:

a. Non-implementation of Section 22 of RA No. 11313, which states the following roles and responsibilities of School Heads :

   (a) Disseminate or post a copy of this Act in a conspicuous place in the educational institution;

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